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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

ALICIA INES MOYA GARAY, JUAN
 JAIME LOPEZ-JIMENEZ, and
 ARRIBA LAS VEGAS WORKER
 CENTER,

Plaintiffs,

vs.

CITY OF LAS VEGAS, a municipality;
 MICHELE FREEMAN, in her official
 capacity as City of Las Vegas Chief of
 Department of Public Safety;
 BANANTO SMITH, in his official
 capacity as Deputy Chief of Detention
 Services; DOES 1 through 25, inclusive,

Defendants.

Case No. 2:20-cv-00119-GMN-EJY

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND DISCOVERY DEADLINES**

(SECOND REQUEST)

STIPULATION AND [PROPOSED] ORDER TO EXTEND DISCOVERY DEADLINES

Pursuant to LR IA 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the Discovery Deadlines in the above-captioned case. Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”) and Defendants City of Las Vegas, *et al.* (“Defendants”) stipulate and respectfully request a sixty (60) day extension of the current scheduling order deadlines. In support of this Stipulation and Request, the parties state as follows:

A. DISCOVERY COMPLETED TO DATE

Plaintiffs Alicia Ines Moya Garay and Juan Jaime Lopez-Jimenez (“Plaintiffs”) and Defendants City of Las Vegas, *et al.* (“Defendants”) made their initial disclosures on June 16, 2020. Plaintiffs propounded their First Set of Interrogatories on August 5, 2020. On August 31, 2020, Defendants requested an extension to respond to Plaintiffs’ First Set of Interrogatories, which Plaintiffs granted. On September 2, 2020 Plaintiffs served their First Set of Requests for Admission and Requests for Production of Documents. On September 10, 2020, Defendants served their responses to Plaintiffs’ First Set of Interrogatories. On September 24, 2020, Plaintiffs clarified their First Set of Interrogatories. On October 1, 2020, Defendants served their responses to Plaintiffs’ First Set of Requests for Admission. On October 15, 2020, Defendants served their responses to Plaintiffs’ First Set of Requests for Production of Documents. On October 20, 2020, Defendants served their responses to Plaintiffs’ First Set of Interrogatories.

B. DISCOVERY REMAINING TO BE COMPLETED

The parties in this case continue to propound and respond to written discovery and must conduct depositions, in addition to making their expert disclosures.

C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

Plaintiffs intend to seek leave of Court to amend the First Amended Complaint to allege the true names and capacities of the DOE Defendants, and the roles they played, once their identities

1 and/or manner of participation is ascertained. An extension of the discovery deadlines requires
 2 good and just cause. *See* LR 26-3; *see also* Chambers Practices of The Honorable Gloria M.
 3 Navarro, United States District Judge at 1. A party may show good cause to modify a discovery
 4 schedule date “if it cannot reasonably be met despite the diligence of the party seeking the
 5 extension.” *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).
 6 Prejudice to “the party opposing the modification” may also be relevant. *See id.*

7 Plaintiffs continue diligently to try to ascertain the names and capacities of the DOE
 8 Defendants through written discovery. Plaintiffs granted Defendants a one week extension to
 9 respond to their First Set of Interrogatories. Defendants served their responses on September 10,
 10 2020. Defendants raised numerous objections to Plaintiffs’ First Set of Interrogatories. The parties
 11 met and conferred on September 14, 2020, and agreed that Plaintiffs would clarify their First Set
 12 of Interrogatories to allow Defendants to provide full responses. On September 24, 2020, Plaintiffs
 13 clarified their First Set of Interrogatories and requested Defendants’ responses by October 7, 2020.
 14 On September 30, 2020, Defendants indicated that they anticipated further objections to Plaintiffs’
 15 First Set of Interrogatories and would not be able to provide complete responses by October 7,
 16 2020. The parties met and conferred on October 6, 2020 and agreed that Defendants would provide
 17 full responses to Plaintiffs’ First Set of Interrogatories by October 19, 2020. On October 20, 2020,
 18 Defendants served their responses to Plaintiffs’ First Set of Interrogatories and raised several
 19 objections. The parties will meet and confer to resolve the ongoing discovery dispute.

20 Plaintiffs cannot move for leave to file an amended complaint that alleges a plausible claim
 21 for relief against each defendant unless it substitutes the true names and capacities of “those who
 22 personally participated in the deprivation of his right” for the DOE Defendants currently named.
 23 *See Cepero v. Las Vegas Metro. Police Dep’t*, No. 211CV01421JADGWF, 2018 WL 5043775, at
 24 *7 (D. Nev. Oct. 16, 2018), report and recommendation adopted, No. 211CV01421JADGWF, 2018
 25 WL 5726176 (D. Nev. Oct. 31, 2018) (citing *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002)).
 26 Despite Plaintiffs’ diligence in this regard, as demonstrated by discovery requests and the parties’
 27 efforts to confer on the discovery that seeks to identify the relevant officers, Plaintiffs have been
 28

1 unable to ascertain the true names and capacities of the officers. Plaintiffs will therefore be unable
2 to move for leave to file an amended complaint by the current deadline of October 27, 2020.

3 Further, based on the number of witnesses identified in Defendants' initial disclosures and
4 discovery responses, the parties have discussed the possibility of seeking leave of court under Fed.
5 R. Civ. P 30(a)(2)(A)(i) to take more than ten (10) depositions. The parties respectfully request an
6 extension of the discovery cut-off date, in the event that the parties stipulate to taking more than
7 ten depositions at a later time.

8 Because of Plaintiffs' diligence and because Defendants do not oppose the request, the
9 parties demonstrate good and just cause for the extension. The parties respectfully request a sixty
10 (60) day extension of the current scheduling order deadlines in accordance with the proposed
11 scheduling order below.

12 13 **D. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

- | | | |
|----|----------------------------------------|-------------------|
| 14 | 1. Initial Disclosures | June 16, 2020 |
| 15 | 2. Discovery Cut-off date | March 26, 2021 |
| 16 | 3. Amending pleadings / adding parties | December 28, 2020 |
| 17 | 4. Merits experts' disclosures due | January 29, 2021 |
| 18 | 5. Rebuttal experts' disclosures due | March 1, 2021 |
| 19 | 6. Dispositive Motions due | April 26, 2021 |

20
21
22 Dated: October 27, 2020

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25 By: /s/ Adrian Hernandez
26 Belinda Escobosa Helzer
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Attorneys for Plaintiffs

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: October 28, 2020